

Council Activities in 2012

Evaluation of Tenure cases: A major function of the Council is to provide the Director with an evaluation of proposed tenure cases. Nine tenure cases were evaluated this year.

Outcome: All tenure cases were forwarded by the Director to the BSA Board and after evaluation by the S&T Steering Committee, tenure was awarded in all instances.

Termination cases: The Council is charged with examination of all cases of involuntary termination of Scientific Staff and providing its findings to the Director. The Council examined two termination cases, one for a scientist on continuing appointment and the second for a scientist on a tenured appointment, and submitted its findings to the Director. The examination of the proposed termination of a tenured scientist for reason of financial exigency is the first instance of such in the institutional memory of the Council and of others consulted by the Council. The examination of this case revealed the need for an explicit definition of the term “financial exigency” as it pertains to termination of a tenured scientist. Furthermore, the document establishing the procedure for such an action, attached to the Director’s memo to the Council, was a draft version from the minutes of the AUI Board of Trustees meeting held on October 1982, although further enquiry revealed that the proposal in the minutes had been adopted on October 21, 1982. There is no equivalent BSA documentation for the policies and procedures pertinent to such termination of a tenured scientist. In its report to the Director the Council noted the need for explicit criteria for such terminations.

Outcome: The lab counsel stated that new documents regarding termination for reason of financial exigency are under preparation.

Director Search: The Council chair and secretary met with the search committee and expressed the Council’s suggestions on the required qualifications. They also provided a list of possible candidates and voiced the desire of the Council to meet with the short-listed candidates. This meeting was followed by a memo to the co-chairs of the search committee reiterating Council's desire and willingness to participate in the process.

Outcome: To date, there has been no further Council involvement.

Safety: The Council sent a memo to the Director which notes that over the past several years the lab management has taken an increasingly aggressive and top-down approach to safety. While the Council shares management's concern over the need for a safe workplace, it is the view of the Council, as expressed in the memo to the Director, that the management approach to improving safety is flawed by complex and inflexible regulations, disproportionate punishments, and poorly justified regulations, all of which tend to erode trust and ultimately undermine the shared goal of an injury-free workplace. The memo also suggested steps to

improve the approach to safety and expressed Council's willingness to work with management on this matter.

Outcome: The Council met with the Director, Deputy Directors, and the Assistant Laboratory Director for ES&H to discuss the concerns.

Changes to Scientific Staff Manual (SSM): Towards the end of 2011, the Council had recommended the following change in the SSM regarding the instructions for preparing tenure recommendations.

Replace

"The referees shall be asked to compare the candidate to a minimum of six named peers, who either have or will soon have tenure at institutions comparable to the BSA core universities."

with

"The referees shall be asked to compare the candidate to a minimum of six named peers who either have, or are expected soon to have, tenure at institutions comparable to the BSA core universities. In fields not well represented in universities, peers of demonstrated distinguished research accomplishment at National Laboratories or similar institutions are acceptable. "

Outcome: These changes, with minor modifications, were implemented in 2012.

Additional changes have been incorporated in the SSM by HR. The Council evaluated these changes and concluded that the majority of them are acceptable, improving the document. Two areas of concern to the Council are the duration of project appointments and transfer between term and project appointments.

Modification of Job Titles: HR had announced a modification of the job titles of scientists to bring these titles in line with EEO job groups. The impact of this would have been to continue to denote certain job disciplines by name (e.g., Physicist) but with the rest simply denoted "Scientist". The Council advised the Director and HR that such an action would likely alienate scientists whose fields are not properly explicitly identified.

Outcome: Discussions with HR and a memo to the director resulted in dropping of the proposed change for scientific staff, although such a change was implemented for professional and technical staff and research associates.

Goldhaber Fellowship selection committee: As in recent years, one Council member from each directorate (or delegate from that directorate) volunteered to serve on the selection

committee. After a successful selection process, the committee also developed a memo, approved by the Council and sent to the Director, on steps to improve the visibility and effectiveness of the fellowship and the selection process.

Outcome: The Assistant Laboratory Director currently responsible for this program understands these recommendations and is planning to implement them.

Child Development Center (CDC): The Council was concerned about the change in the contractor to operate the CDC and the ensuing increase the child care cost. A memo noting this concern and detailing possible corrective actions was presented to the Director.

Outcome: The Council was informed that as the contract was already in place and the rates agreed upon, no mitigating action could be taken.

Public Transportation to and from BNL: The Council noted the need for public transportation to and from BNL and the benefits to employees and on-site residents that would result. A memo was sent to the Director requesting lab management to communicate with Suffolk County officials and the Suffolk County Transit Authority and suggest the addition of a new spur to the existing route of Suffolk County Transit Bus.

Outcome: The Director referred the matter to Staff Services.

On-site Housing: The Staff Services Division had indicated in 2011 its intent to severely reduce on-site housing for visiting scientists. A memo indicating the importance of on-site housing to the scientific programs at BNL was sent to the Director in 2011; a follow-up memo to this effect was sent this year. Staff Services indicated that recent changes implemented by that division have increased the occupancy rate. According to the spokesperson, the division is now fully self-supporting.

Outcome: There has been no further movement on this and there is no further information available on the proposed reductions in on-site housing.

Changes in Council representation: Reorganization of the laboratory science departments and changes in numbers of scientists in different departments led to Council's re-evaluation of the representation from each department/group, according to procedures in the Council by-laws.

Outcome: The resulting changes have been incorporated into the Council by-laws and were implemented for the 2013 membership.

Communication with Management

The Council invited the following members of BNL management to meet with the Council, with outcomes as indicated:

Sam Aronson (Director) Feb 13, 2012: Discussed a broad range of topics

Emilio Mendez (Chair, CFN) Oct 11, 2012: Discussed career pathways at CFN

Suzanne Davidson (CFO) Jan 30, 2013: Discussed business practices at BNL

Doon Gibbs (Deputy Director for Science and Technology): Accepted the invitation but had to cancel

Steve Dierker (ALD for Photon Sciences): Did not respond to repeated requests

George Goode (ALD for ES&H): Scheduled for Feb 11th, but postponed due to sickness